



Translation

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

03 DEC 2004

Applicant's or agent's file reference	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/001701	International filing date (day/month/year) 06 juin 2003 (06.06.2003)	Priority date (day/month/year) 06 juin 2002 (06.06.2002)
International Patent Classification (IPC) or national classification and IPC B05B 1/34		
Applicant REXAM DISPENSING SYSTEMS		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 23 décembre 2003 (23.12.2003)	Date of completion of this report 15 September 2004 (15.09.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

PCT/FR2003/001701

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-10 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____ 1-15 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the drawings:
pages _____ 1/3-3/3 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	3-6, 8-15	YES
	Claims	1, 2, 7	NO
Inventive step (IS)	Claims	3-6, 8-15	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

D1: EP-A-0 534 088 (ELETTRIC PLASTICA SPA)
31 March 1993 (1993-03-31).

1.1 Document D1 describes (the references between parentheses apply to said document) a nozzle for spraying a product, including a cylindro-conical body (1) with an axial channel (17) of which the first end (12) is defined by a transverse wall (7) with a spraying port (8) and the second end (4) is capable of communicating with a vessel, which nozzle further includes an axial core (9, 10) positioned inside said channel (17) and having a first end (12) located opposite said transverse wall (7) and defining, with said wall, a spraying chamber, and a second end (4) located adjacent to the second end of said channel, wherein a means for communication between said second end and said spraying chamber is provided between said core (9) and said wall (3) of said channel (17), and wherein said core (9) has means consisting of an attachment flange (15) with an attachment edge facing the second end of said core (9, 10) and engageable with said wall (3) of

said channel (17) in order to retain said core inside said channel (cf. column 3, lines 9-32).

1.2 It follows that the subject matter of **claim 1** is not novel and the requirement of PCT Article 33(2) is, therefore, not met.

2. Dependent **claims 2** and **7** do not contain any features which, in combination with the features of any one of the claims to which they refer, might define subject matter that fulfils the PCT requirement of novelty (PCT Article 33(2)) because all of the features added by these claims are known and used with a corresponding effect and/or are considered to be a slight modification routinely carried out by a person skilled in the art. The reasons for which the claims do not fulfil the requirement of this PCT article are indicated below:

- **Claims 2** and **7**: see **D1**, column 3, lines 9-32, and figure 1.

3. Claims 3-6 and 8-15 are dependent on claim 1 and fulfil the PCT requirements of novelty and inventive step because the features in these dependent claims are not mentioned in their entirety in any one of the documents in the search report or the description.

Certain observations on the international application

4. Contrary to the requirements of PCT Rule 5.1(a)(ii), the description does not indicate the relevant prior

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art disclosed in document D1, nor does it cite said document.